

11. Closing A Case To Foster Care

11.1 Legal Authority To Close A Case

11.1.1 Terminating Court Commitments

Court commitments are terminated through court order when:

- Parents/prior custodians, relatives, or the local department petition the court requesting termination and the court transfers custody;
- A child, 18 to 21 years of age or older, committed as abused and neglected or in need of services, requests to be released (§16.1-285); or
- The court terminates custody at the time of a dispositional or other hearing. (§16.1-282)

11.1.2 Termination of Non-Custodial Foster Care Agreements

- Non-custodial foster care agreements are terminated at the request of the parent/prior custodian or guardian.
- In every case in which a child is returned home from an out-of-home placement, a criminal background check and child abuse and neglect central registry check must be completed prior to the return of the child. The local department must evaluate the results of the background and registry checks to determine whether any criminal background or abuse/neglect history exists to preclude the safe return of the child.
- If the Court previously approved the non-custodial foster care agreement, termination of the agreement is not effective until the judge agrees to and documents the termination of the agreement.
- The local department may petition the court for custody should the agency disagree with the request for return of the child.

11.2 Discharging A Child From Care And Closing To SACWIS

The foster care case must be closed in SACWIS as soon as possible but no later than 30 days after, the child leaves care of the local department of social services. Failure to enter this date within the specified period results in an Adoption and Foster Care Analysis and Reporting System (AFCARS) error. If the family is still receiving services from the local department, the worker will need to change the AFCARS case type from foster care to the appropriate case type.

11.3 Eligibility Referral At Closure

The service worker must notify the eligibility worker immediately in writing that the child is no longer in care of the local department of social services.

11.4 Maintenance/Service/Other Resource Payments at Closure

All maintenance payments must be terminated by the service worker once the child leaves care. Service payments for services that will not continue after the child returns home must be terminated. If the child is receiving Social Security, SSI, or other benefits, the worker must inform the source of the benefits about the change in placement and provide the new address of the child.

11.5 Record Retention at Closure

11.5.1 Record Contents

When the foster care paper case record is closed for services, the record must contain all court orders, assessments, service plans, administrative panel reviews, and a brief closure statement identifying when the case was closed, placement of the child, and child and family adjustment. Pertinent documents including, but not limited to, eligibility determinations, medicals, and educational and social history must also be retained. Personal items belonging to the child, such as report cards, drawings, pictures, should be given to the child.

When closing a case in SACWIS, the final case contact should reflect the case disposition at case closure, a summary of services in place at termination, child and family adjustment, over-all case progress, and a summary of the final court hearing.

Workers should follow SACWIS procedures for discharging a child from care and, when applicable, case closure. Closed cases in SACWIS remain available as read-only documents and foster care reports may be printed if necessary. It is not necessary to print and store SACWIS screens as paper documents in the case record.

11.5.2 Length of Time Records Must be Retained after Closure

For children in foster care who were never reunited with their families, records must be maintained indefinitely. The records can be transferred to microfilm in compliance with Sections 17VAC15-20-10, et. seq. of the Virginia Administrative Code, "Standards for Microfilming of Public Records for Archival Reasons."

For children in foster care who were reunited with their families, records must be retained for ten years after the youngest child reaches the age of majority. Subsequent destruction of these records will be done by shredding or pulping. "Deletion" of confidential or privacy protected information in computer files or other electronic storage media is not acceptable. Electronic records must be

“wiped” clean or the storage media physically destroyed. (All policy and procedural information on the maintenance and destruction of records is found in the Library of Virginia’s Records Management and Imaging Services Division, Records Retention and Disposition Scheduled, General Schedule No. 15 available at: www.lva.lib.va.us/whatwedo/records/sched_local/index.htm).

For a child who was adopted, please see Chapter C, Preserving Information.

11.5.3 Access to Records after Closure (§63.2-104)

Any foster care youth who has reached age 18, has not been adopted, and has not had parental rights terminated shall have the right to request and receive information from his or her record, including information about parent(s) or relatives.

If a youth has not been adopted, has reached age 18, and has had parental rights terminated, he shall have access to his records, but not to identifying information pertaining to his biological family, except by order of circuit court.

11.6 **Emancipation Before Age 18 (§16.1-331)**

Youth who are at least age 16 may be legally emancipated prior to age 18 through a court hearing which finds that the youth is married, on active duty in the military, or is capable of self support and has the parent or guardian's consent.

11.7 **Services Post Foster Care**

Services should be provided to the child and family to prevent the need for the child to return to foster care. For a youth who needs continuing services after emancipation, the service worker should consider services through independent living and/or refer the youth to the appropriate adult services provider.